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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,301	11/28/2001	Takao Yoshimine	275759US6PCT	1118

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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,301

Applicant(s)

YOSHIMINE ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 13-16, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-16, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/28/01, 2/27/02, 2/21/03 & 5/20/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on 8/11/2005 is acknowledged and entered. Claims 24-25 have been amended. Claims 9-12, 17-23 and 26-29 are canceled. Currently claims 1-8, 13-16, and 24-25 are pending for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 24, which is based upon claim 1, recites that the user provides the content and then the user is charged the service charges for providing this content. It is unclear as why the user who is providing this content should be charged a service charge. Usually, users/consumers are charged service charges for getting a service, like being provided with a requested content, from a service provider. Claim 1 recites that the content is supplied from a content providing device which is obviously separate from the receiving device and the contribution creating means which obviously are meant to be used by the user to provide contribution data and therefore it is unclear that the user himself provides the content data from a content providing device to himself to be charged for providing this content. Claim 25 is also rejected for similar reasons.

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As best understood by the examiner, Claims 24 and 25 are directed to adding contribution data to user information corresponding to a user who provides the contribution data and would be further treated on merits accordingly for prior art rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 13-16 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Gruber et al. (US Publication 20020029179), hereinafter referred to as Gruber.

Regarding claim 1, Gruber teaches a contribution processing device, comprising:

receiving means for receiving image data of content which is supplied from a content providing device over a network; display means for displaying a content display screen having a given contribution button displayed thereon, based on said image data received by said receiving means; contribution data creating means for creating contribution data equivalent to a given amount corresponding to said

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contribution button when the contribution button is selected on said content display screen; and transmitting means for transmitting said contribution data created by said contribution data creating means to said content providing device over said network (see Figs.1-10 which teaches that user terminals 108, 112,120 connected via a communication network 104 receive image data in the form of web pages displaying various donation options, see Fig.3-5 & 9 from a content providing device, that is Central processor server "124" and displayed on the user's computer terminal screens 108, 112,....120.....having a given contribution button displayed thereon, that is a hyperlink displayed on web page 204 to select a plaque 208 as illustrated in Figs. 2, 3 and 4 & paragraph 0038 , and then creating contribution data, by clicking any one of the buttons and transmitting the contribution data created by the user by clicking one of the buttons to said content providing device over the network).

Regarding claim 2, Gruber shows that said contribution data creating means displays a contribution amount selection screen showing a plurality of amounts on said display means in response to the selection of said contribution button, and creates said contribution data corresponding to said amount selected on said contribution amount selection screen (see Figs 3, 5 and 9 which show generating a web page/screen showing a plurality of amounts in response to the selection of a hyperlink, that is the contribution button displayed on web page 204 , and creates said contribution data corresponding to said amount selected on aid contribution amount selection screen).

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Regarding claim 3, Gruber discloses that the contribution processing device according to claim 1, wherein said contribution data creating means creates said contribution data equivalent to an amount which is directly entered in a contribution amount input area corresponding to said contribution button when the contribution button is selected (see Figs 3 & 9 which show that a contribution data equivalent to an amount, that is \$20 for Air force or \$12 for coast Guard or \$260 for Marines or \$20 for Navy, see Fig.3 can be directly entered in a contribution amount input area corresponding to said contribution button when the contribution button is selected . As analyzed above the selection of contribution button corresponds to selection of a hyperlink on web page 204 which directs the user to a web page displaying various donation options.).

Regarding claim 4, Gruber teaches that the contribution processing device according to claim 1, wherein said contribution data creating means changes an amount directly entered in a contribution amount input area corresponding to said contribution button by the amount more than a fixed minimum amount, according to user's operations when the contribution button is selected, and creates said contribution data equivalent to the changed amount (see at least paragraph 0051 which teaches a donor can always change or edit the plaque which will include the capability of changing the amount of donation at the time of donation or later).

Regarding claims 5-8, and 13-16, their limitations are closely parallel to the limitations of claims 1-4 and are therefore analyzed and rejected based upon the same rationale.

Regarding claims 24-25 and as interpreted above under 35 USC 112, second paragraph rejection, Gruber teaches adding contribution data to user information corresponding to a user who provides the contribution data (see at least paragraph 0051 which teaches updating the plaque, that is web-page to include the donor's name and donation related information.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 5,721,827 to Logan et al. teaches a system and method for distributing content to individuals via communication network and charging them a service charge for providing them the content (see at least Fig.4 and col.15, lines 35-41).

(ii) US Patent 6,850,901 to Hunter et al. discloses a system and method for ordering products on-line along with the facility for implementing donation transactions (see at least Abstract and col.20, lines 49-65).

(iii) US Patent 6,112,191 to Burke discloses a system and method for allowing consumers, at a point of sale terminal, via a communication network to make donations to charities of their choices every time they spend some money (see at least Abstract).


(iv) US Publication 2002/0049816 A1 to Costin IV et al. discloses a system and method for raising donations over a communication network (see at least Abstract).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F (8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
October 26, 2005